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10/805,184	03/22/2004	Yoshiyuki Namizuka	250463US2	1134

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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CRUZ, IRIANA

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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11/25/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## DETAILED ACTION

### *Election/Restrictions*

1. During a telephone interview with applicants attorney Kurt Berger, after restriction action was sent on 06/11/2009, the need for a new and more clear restriction was discussed therefore this restriction is done for clarification.

2. This application contains claims directed to the following patentably distinct species:

***Species I:*** disclosed in Page 6, Lines 1-19; describes an image input/output control means for controlling inputting/outputting of image data depending on an output characteristic of image data output from the image input means such that the image input means inputs/outputs image data in the same form.

***Species II:*** disclosed in Page 7, Lines 33-34 and Page 8, Lines 1-18; describes an image reproduction apparatus comprising: line decimation control means for converting resolution of the image data, pixel loss compensation means for compensating for a loss of pixel information caused by line decimation, invalid pixel detection means for detecting an invalid pixel that causes a streak image in an image read using a sheet-through document feeder, prior to reading the image using the sheet-through document feeder; streak image correction means for correcting the streak image and warning means for warning of an occurrence of the invalid pixel.

**Species III:** disclosed in Page 10, Lines 33-34 and Page 11, Lines 1-15; describes detecting an invalid pixel that causes a streak image in an image read using a sheet-through document feeder, prior to reading the image using the sheet-through document feeder and converting a data format of the image data such that outputting of the image data is performed in a same manner regardless of whether the image data is color image data or monochrome image data.

**Species IV:** disclosed in Page 11, Lines 19-31; describes detecting an invalid pixel from the image read in the reading step, detecting a maximum width of invalid pixels detected in the step of detecting the invalid pixel, detecting a number of invalid pixels detected in the step of detecting the invalid pixel, detecting allocation, on a document, of each invalid pixel detected in the step of detecting the invalid pixel, predicting an occurrence of a streak image in a document image from results of detection made in the step of detecting the maximum width, the step of detecting the number of invalid pixels, and the step of detecting the location of each invalid pixel; and correcting the streak image in the document image based on a result of the prediction made in the predicting step, and

**Species V:** disclosed in Page 12, Lines 10-22; describes dividing the image into blocks with a predetermined block size; detecting a total number of invalid pixels and a number of invalid pixels at successive locations in each block produced in the dividing step; determining whether a document page is blank, by determining a streak image which is

predicted to occur, from results of detection made in the detecting step in terms of the total number of invalid pixels and the number of invalid pixels at successive locations in respective blocks, and subtracting a streak image component caused by successively located invalid pixels from the document image data, thereby predicting a real state of the document, and determining from the predicted real state whether the document page is a blank document page or a document page including a streak image, which is different from the discussed species.

3. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined** even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise

Art Unit: 2625

require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRIANA CRUZ whose telephone number is (571)270-3246. The examiner can normally be reached on Monday-Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/  
Supervisory Patent Examiner, Art Unit 2625

Iriana Cruz  
Examiner

Art Unit: 2625

Art Unit 2625

November 19, 2009

/I. C./  
Examiner, Art Unit 2625